REMARKS

Favorable reconsideration of this application, in light of the preceding amendments and following remarks, is respectfully requested.

Claims 1-13 and 16-20 are pending in this application.

Interview Summary

Initially, Applicants wish to thank the Examiner for the courtesies extended to Applicants' representative during the telephonic interview of September 1, 2010 and September 7, 2010. The parties discussed the Jorgensen reference as well as the subject specification and claim 1. The Examiner stated claim 1 is overbroad and recommended further amendments (without specificity). No agreement was reached regarding the claims or interpretations of the art of record.

Rejections under 35 U.S.C. § 103

Jorgensen/Bloebaum

Claims 1-5, 7-10, 12-13 and 16-20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over US 6,590,885 to Jorgensen (Jorgensen) in view of US 6,535,815 to Bloebaum (Bloebaum). Applicants respectfully traverse this rejection for the reasons detailed below.

The Examiner asserts that the Packet Header Identification component and the Packet Characterization component in Jorgensen teach the claimed first module. Applicants respectfully disagree.

Figure 16A and column 69 lines 5 – 50 of Jorgensen disclose that module **1624** of the Packet Header Identification component **1602** and module **1632** of the Packet Characterization component **1604** work together to determine if the IP flow application is known to the system. Module **1632** performs the determination by looking up the

application in an IP flow QoS requirement table. The packet header analysis module **1624** determines from a source application packet header table **1628** the type of source application making the IP flow. The Packet Header Identification component **1602** and the Packet Characterization component **1604** are associated with a logic flow diagram **1600** for an uplink IP flow analyzer **632**.

Figure 6 of Jorgensen shows the IP flow analyzer **632** as an upstream component as part of the IP flow from a customer premises equipment (CPE) to a data network. Therefore, Jorgensen does not disclose "a terminal of said plurality of communication terminals including, **a core associated with an operating system of said terminal** and configured to store information associated with said streams of application data," as required by claim 1. By contrast, Jorgensen merely uses a lookup table associated with a module upstream from a CPE.

Further, based on the above mentioned Examiner interview, Applicants have amended claim 1 to recite, *inter alia* "a controller associated with said terminal and configured to,...., deliver configuration data to at least one of the plurality of communication stations, the configuration data being associated with the service data, the configuration data configured to enable the at least one communication station to one of modify and establish a communicative link to the terminal such that the communicative link supports at least one requirement associated with the application."

Jorgensen discloses a module 1650 provides IP-flow and QoS class information to a frame scheduler 634. The frame scheduler may or may not be in the same network component as module 1650. Jorgensen discloses providing information to a scheduler in order to schedule frames associated with an IP flow. Jorgensen does not teach or fairly suggest a controller configured to "deliver **configuration data** to at least one of the plurality of communication stations, **the configuration data being**

associated with the service data, the configuration data configured to enable the at least one communication station to **one of modify and establish a communicative link to the terminal such that the communicative link supports at least one requirement associated with the application**," as required by claim 1.

Bloebaum and Thomas do not teach the aforementioned limitations, and the Examiner does not rely on Bloebaum and Thomas to disclose the aforementioned limitations.

For at least the reasons discussed above, Jorgensen, Bloebaum and Thomas alone or in combination (assuming *arguendo* that Bloebaum and Thomas could be combined with Jorgensen which the Applicants do not admit) do not teach or fairly suggest each and every limitation of claim 1. Because Jorgensen, Bloebaum and Thomas do not teach or fairly suggest each and every limitation of claim 1, Jorgensen in view of Bloebaum and Thomas does not render claim 1 obvious. Claims 2-5, 7-10, 12-13 and 16-20 are patentable at least by virtue of their dependency from claim 1.

The Applicants, therefore, respectfully request reconsideration and withdrawal of the rejection to claims 1-5, 7-10, 12-13 and 16-20 under 35 U.S.C. § 103(a).

Jorgensen/Bloebaum/Reichmeyer/Amin

Claim 6 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Jorgensen in view of Bloebaum, in view of US 6,286,038 Reichmeyer et al. (Reichmeyer).

Claim 11 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Jorgensen in view of Bloebaum, in view of US 6,854,014 to Amin et al. (Amin).

Applicants respectfully traverse these rejections in that even assuming *arguendo* that Reichmeyer or Amin could be combined with Jorgensen, Bloebaum and Thomas (which Applicants do not admit), the combination of references fails to render

even claim 1 obvious because Reichmeyer and Amin suffer from at least the same deficiencies as Jorgensen in view of Bloebaum and Thomas with respect to claim 1. Therefore, even in combination, Jorgensen in view of Bloebaum and Thomas further in view of Reichmeyer or Amin fails to render claims 6 and 11 obvious because claim 6 and 11 depend from claim 1. Withdrawal of these rejections is respectfully requested.

CONCLUSION

In view of the above remarks and amendments, the Applicants respectfully submit that each of the pending objections and rejections has been addressed and overcome, placing the present application in condition for allowance. A notice to that effect is respectfully requested. If the Examiner believes that personal communication will expedite prosecution of this application, the Examiner is invited to contact the undersigned.

Pursuant to 37 C.F.R. §§ 1.17 and 1.136(a), Applicant(s) hereby petition(s) for a one (1) month extension of time for filing a reply to the outstanding Office Action and submit the required $130.00 extension fee herewith.

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact the telephone number of the undersigned below.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 08-0750 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17; particularly, extension of time fees.

Respectfully submitted,

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